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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,396	03/09/2004	Ricardo Alonso	4347	
7590 10/05/2005			EXAMINER	
Ricardo Alonso			WILLIAMS, MARK A	
111 S. Perry St.				
Denver, CO 80219			ART UNIT	PAPER NUMBER
•			3676	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

111						
gaz-	Application No.	Applicant(s)				
	10/797,396	ALONSO, RICARDO				
Office Action Summary	Examiner	Art Unit				
	Mark A. Williams	3676				
The MAILING DATE of this communic Period for Reply	ation appears on the cover sheet wi	th the correspondence address				
A SHORTENED STATUTORY PERIOD FO WHICHEVER IS LONGER, FROM THE MA - Extensions of time may be available under the provisions of after SIX (6) MONTHS from the mailing date of this commur - If NO period for reply is specified above, the maximum statu - Failure to reply within the set or extended period for reply within the set o	ILING DATE OF THIS COMMUNIC 37 CFR 1.136(a). In no event, however, may a mication. Itory period will apply and will expire SIX (6) MON II, by statute, cause the application to become AB	CATION. eply be timely filed THS from the mailing date of this communication. IANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed	on 09 March 2004.					
· · · · · · · · · · · · · · · · · ·)⊠ This action is non-final.					
•	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) ⊠ Claim(s) <u>1-4</u> is/are pending in the appr 4a) Of the above claim(s) is/are 5) ☐ Claim(s) is/are allowed. 6) ☒ Claim(s) <u>1-4</u> is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction	withdrawn from consideration.					
Application Papers						
9) The specification is objected to by the						
	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
Applicant may not request that any objecti	- · · · · · · · · · · · · · · · · · · ·	• •				
Replacement drawing sheet(s) including the state of the s						
Priority under 35 U.S.C. § 119						
<u> </u>	ocuments have been received. ocuments have been received in A the priority documents have been al Bureau (PCT Rule 17.2(a)).	pplication No received in this National Stage				
Attachment(s) 1) X Notice of References Cited (PTO-892)	4) ☐ Intendew S	ummary (PTO-413)				
 Notice of Preferences Cited (170-032) Notice of Draftsperson's Patent Drawing Review (PTC3) Information Disclosure Statement(s) (PTO-1449 or PT Paper No(s)/Mail Date 3/9/04. 	D-948) Paper No(s)/Mail Date formal Patent Application (PTO-152)				

U.S. Patent and Trademark Office PTOL-326 (Rev. 7-05)

DETAILED ACTION

Claim Rejections - 35 USC § 112

- 1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Throughout claims 1 and 3, it is unclear if it is intended for the combination of the cup and the check, as well as other parts of the door closer to be claimed as part of the invention.

In claim 1, line 2, perhaps ", utilized" should be changed to --, said check—for clarity. This is true also in claim 2.

In claim 1, line 3, "exemplified as a door closer" renders the claim indefinite. This is true also in claim 2.

In claim 1, line 8, ", comprising" perhaps should be changed to --, said cup comprising--, for clarity.

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Art Unit: 3676

In claim 1, line 9, "adapted to said check and said device" is indefinite in that it is not fully understood what is meant by this phrase in the context of the claim.

In claim 1, line 9, there is no antecedent basis for "said device". This is also true in claim 2.

In claim 2, line 9, it is not fully understood exactly what is meant by the phrase "adapting a magnetic means to said check and said device" in the context of the claim.

In claim 3, the phrase "whereby said magnetcompliant to said object" is generally unclear and not fully understood. It is not clear in the context of claim what the check is being engaged to and disengaged from. It is not clear what is meant by "compliant to said object" in the context of the claim. This is also true in claim 4.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

⁽b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3676

4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Checkovich, US Patent 5,592,780. A cup 57 for causing a compressive friction check mechanism 26 to engage and disengage, the check being utilized to hold the linear biasing forces of a reciprocating device and an object attached thereto, being a door closer comprising at least one rod 24 which linearly reciprocates from within a body housing a biasing means, said rod loosely mounted with said check through an aperture housed within a structure comprising opposed friction points compressively engage the extended rod; said check further providing a trigger to lever said check (all as conventional in the art), the cup comprising a magnetic means 43 adapted to said check, as claimed. The device functions as claimed. The claimed method is inherent to the design.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (571) 272-7064. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Williams

9/15/05

Suzanne Dino Barrett
Primary Examiner